

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF ILLINOIS EASTERN DIVISION

IRMA PITA,)
)
Plaintiff,)
)
v.)
)
TARGET CORPORATION,)
)
Defendant.)

No.: 08 C 312

MOTION FOR LEAVE TO FILE AN AMENDED NOTICE OF REMOVAL

NOW COMES Defendant, TARGET CORPORATION by and through its attorneys, Hennessy & Roach, P.C. and for its Motion for Leave to File an Amended Notice of Removal, in support of which states as follows:

1. Defendant, Target Corporation, filed a Notice of Removal on January 14, 2008. (Attached as Exhibit "A").
2. On January 18, 2008, Judge Matthew F. Kennelly issued an electronic docket entry text which required defendant to file an Amended Notice of Removal by January 31, 2008, properly alleging diversity of citizenship.
3. Counsel for defendant did not receive notice of this electronic entry text / order entered by Judge Kennelly.
4. On February 13, 2008, Plaintiff counsel and Defense counsel were discussing the case on the telephone. Plaintiff counsel informed Defense counsel about the electronic entry text.
5. Immediately thereafter, Defense counsel contacted Judge Kennelly's office and discovered that the electronic notice was sent to an incorrect e-mail address.

6. As Defense counsel did not receive proper notice, Defendant requests that it be granted leave to file the Amended Notice of Removal, instanter.

WHEREFORE, the Defendant, Target Corporation prays that this Honorable Court grant it leave to file its Amended Notice of Removal, instanter.

By: s/Mark T. McAndrew/6274068

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